# VERNON TOWNSHIP COUNCIL REGULAR MEETING MINUTES

# NOVEMBER 14, 2016 7:30pm

The Meeting of the Township Council of the Township of Vernon was convened at 7:30 p.m. on Monday November 14, 2016 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Council President Dan Kadish presiding.

#### STATEMENT OF COMPLIANCE

Adequate notice of this meeting has been provided to the public and the press on January 5, 2016, and was posted on the bulletin board in the Municipal Building in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-7.

#### **ROLL CALL OF MEMBERS**

Present were Council Members Jean Murphy, Council Member Ooms, Patrick Rizzuto, Dick Wetzel and Council President Dan Kadish. Also in attendance were Mayor Shortway and Township Attorney John Ursin.

### SALUTE TO THE FLAG

Council President Kadish led the assemblage of the flag.

Council President Kadish asked for a Moment of Silence in Memory of Bob Baldwin Sr. who was a former Mayor of Vernon, Planning Board Member, Fire Chief, Committeeman and also has a sandwich named after him at Mixing Bowl Deli.

#### **PROCLAMATIONS:**

Council President Kadish read a Proclamation for Pancreatic Cancer Month:

#### **PROCLAMATION**

WHEREAS, health and safety is important to the happiness, prosperity, and well-being of our communities and families; and

*WHEREAS*, in 2016, an estimated 53,070 individuals will be diagnosed with pancreatic cancer in the United States; and

**WHEREAS**, there are no effective early detection methods presently available, and most symptoms such as weight loss, loss of appetite, feeling tired, and pain in the upper of middle abdomen and back can be mistaken for chronic pains and could be attributed to other conditions; and

**WHEREAS**, when symptoms of pancreatic cancer become apparent it is usually after the cancer has advanced and spread to other organs; and

**WHEREAS**, the good health and well-being of the residents in the Township of Vernon are enhanced as a direct result of increased awareness about pancreatic cancer and research of early detection, causes, and effective treatments; and

**WHEREAS**, throughout the month of November, organizations, health practitioners, and residents in the Township of Vernon are encouraged to take the opportunity to promote awareness about pancreatic cancer and to support those patients currently battling pancreatic cancer and those who have lost loved ones to this horrible disease;

**NOW THEREFORE BE IT RESOLVED,** by the Township Council of the Township of Vernon that the *MONTH OF NOVEMBER* shall be proclaimed *PANCREATIC CANCER AWARENESS MONTH* in the Township of Vernon, and urge all residents to recognize the need to bring awareness to the fight against this deadly disease.

#### November 2016

# PANCREATIC CANCER AWARENESS MONTH

## In Vernon Township

#### PUBLIC COMMENTS

Council President Kadish asked for a motion to open Public Comments.

MOVED: Jean Murphy SECONDED: Sandra Ooms All members voted in favor.

Jackie Espinosa, JCPL, explains that JCP&L will be doing 4-year cycle tree trimming near transmission lines in Vernon Township beginning February 2017 to maintain the right of way. Helicopters will be present and JCP&L will provide specific information to the Vernon Police Department. Council Member Rizzuto asked the reason for two recent outages. Ms. Espinosa explained there was a car/pole accident and a fault underground needing repair.

Kathy Casmerske, Legends unit owner, asked the Mayor Council or Township Attorney what is happening to the Legends units? She stated she does own a unit, which has been useless. Mayor Shortway explains the principal owner Hillel Meyer is responsible and is looking for investors.

Brian Olson, Attorney for property lower of Legends Unit, objected to Ordinance #16-24 and questions whether there will be a public hearing on issue later in the meeting. Mr. Ursin advised there was.

Rick Saker, stated he addressed the Council at last meeting with a letter submission but no one responded. Mr. Saker voiced his displeasure over shat he deems outrageous fines for unit owners and displacing tenants who can barely pay the \$400.00/month rent and will now be homeless living in their cars. Mr. Saker asked the Council if they are so concerned about public safety due to fire violations, why can people live there for 30 days at a time, is it not safe on the 31<sup>st</sup> day? He claimed the Township is hurting longtime residents who will be put out on the street.

Jessica Paladini, states she is a paid employee of the Vernon Township Environmental Commission as a part-time Recording Secretary and without proper Rice Notice, the Council allowed Chairperson Sally Rinker to publicly, maliciously, falsely defame her at public meeting. Ms. Paladini claimed that what Ms. Rinker did was unlawful and inappropriate. As Secretary, Ms. Paladini claims she is led directly by the Vernon Environmental Commission by majority vote and opined that Chairperson Ms. Rinker dictates lawlessness. Ms. Paladini questions two resolutions on this agenda regarding appointment terms of committees/commissions which she stated are all governed by state statutes and changing may leave Township open to class action suits. Ms. Paladini, asks Council President Kadish if he personally did any improvements to his property that required permits to which Mr. Kadish answered is not a subject for this meeting. Ms. Paladini stated she talked to Township officials in the Zoning and Fire Marshal's office requesting this information and as an elected official you should be accountable to answer to your constituents. Ms. Paladini again asked if permits were received after violations, to which Council President Kadish answered she was directed in wrong direction, it was contractual.

Doreen Edwards, Highland Lakes, provided copies of NJSA 40:56A explaining Committee Term Vacancy bearing interest about proposed resolutions. Ms. Edwards also was unable to view online proposed Ordinance #16-26. Municipal Clerk answered the Ordinance will become available after introduction and there will be a public hearing at second reading in two weeks. Ms. Edwards added her term on the Environmental Commission ends December of 2016 and she has enjoyed serving her term and is very disappointed that recent meetings have been cancelled even after the public voted to reinstate the Environmental Commission.

Sally Rinker, Chairperson of Vernon Environmental commission stated only two meetings in a row were cancelled and the reason was Ms. Paladini took it upon herself to create an agenda and only business on it was an Executive Session for potential litigation, no environmental issues. Ms. Rinker added that agenda also omitted Commissioners Comments and offers document to the Township Attorney for the record.

Council President Kadish addressed the public speaking out of order from the audience and requested they stop.

Christa Geary, expresses hope that integrity returns to Council meetings so the Council can meet challenges and overcome obstacles. Ms. Geary added the Council and public need to have toleration, respect and compassion. Name calling and words of animosity should not be tolerated by anyone because it creates more problems. Citizens must be allowed to take a stand against oppression to defend our town but this hateful dialect casts dark shadows over Vernon Township. Ms. Geary commented the past is irrelevant and can't be changed but we need to learn from past and think more about 'we' and not 'me', and no healing can happen if this behavior continues. Ms. Geary feels a diverse Town Council is more challenging but good because different points of view can be heard and the elected officials are special and have much to offer.

Ms. Geary referred to an article about a garden and sees resemblances with Vernon Township. Seeds have been planted but need to be continually tended and they must be protected against forces to grow. Never let the weeds of life like hate or greed destroy the garden. We must look beyond the present towards the positive, put others before ourselves and all work together to achieve our goals. Ms. Geary stated, we can be rewarded by a bountiful garden that can flourish for a future town filled with promise.

Council President Kadish asked for a motion to close Public Comments.

MOVED: Patrick Rizzuto SECONDED: Dick Wetzel All members voted in favor.

#### **MAYOR'S REPORT**

Mayor Shortway thanked Municipal Clerk for her work on a successful election day which had an outstanding turnout and also thanked all of the DPW and poll workers for their help.

Mayor Shortway stated the Sammis Road paving project has been completed, which was difficult, due to state funds initially being held, then when released school is session. Thanks to Township Engineer Cory Stoner for his planning, & coordinating the project in short time period.

Mayor Shortway announced the Pinwheel Vista on the Appalachian Trail was named the 9<sup>th</sup> best trail by Best Hiking Trails.

Mayor Shortway discussed the Township continues its progress of disposing records that we are not required to store which are now in the outdoor trailers, on the grounds and in offices. Removal of the trailers in rear parking lot will free up parking spaces for the public. The Administration is also working to free up office space which should be ready by January 1, 2017 for use by the Township Council. Mayor Shortway commented in regards to Ordinance #16-23, NJSA 2A:18-61 states municipalities have the authority to shift displacement costs of tenants, as a result from zoning, fire, code violations to owner of property. Taxpayers of Vernon Township should not be held responsible for the illegal actions of property owners which cause these tenants to be displaced.

Mayor Shortway noted that OEM Director Ken Clark and Police Chief Randy Mills have been continuing to build and prepare the Township for emergency events. They are identifying warming shelters, modes of transportation, communication alternatives, creating stockpiles of water, MRE's (meals ready to eat) and fuel supplies and developing strategies to prepare for natural and manmade challenges.

Mayor Shortway announced a hiring policy recognizing the sacrifices of military veterans for non-competitive employee positions. In recognition of military service, he will be enacting the following veteran's preference policy by recognizing citizens who have served and suffered an economic loss. This policy restores veterans to favorable competitive positions for government employment and acknowledges larger obligations owed to disabled veterans. Veterans who are disabled or who have actively served in the armed forces in certain time periods or military campaigns are entitled to absolute veteran's preference when applying to NJ Civil Service competitive positions. Vernon Township's policy for non-competitive appointments will also now have veteran's preference for positions which they are qualified.

#### **MINUTES**

It was moved and seconded as noted below to approve the following minutes:

Regular Meeting Minutes of September 26, 2016

MOVED: Jean Murphy SECONDED: Sandra Ooms

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

NAYES: None ABSTAIN: None ABSENT: None

Motion carried to approve minutes of September 26, 2016

It was moved and seconded as noted below to approve the following minutes:

Regular Meeting Minutes of October 24, 2016

MOVED: Sandra Ooms SECONDED: Jean Murphy

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

NAYES: None ABSTAIN: None ABSENT: None

Motion carried to approve minutes of October 24, 2016.

### **CONSENT AGENDA**

Council President Kadish gave a brief explanation of Resolutions: #16-228 - 16-248.

**Resolution #16-228:** Authorizing A Date For Municipal Tax Sale

**Resolution #16-229:** Authorizing The Township Of Vernon To Adopt The Sussex

County Multi-Jurisdictional Hazard Mitigation Plan As Submitted To The New Jersey Office Of Emergency Management And The

Federal Emergency Management Agency

Council President Kadish asked for a motion to approve Resolutions 16-228 and 16-249.

MOVED: Sandra Ooms SECONDED: Jean Murphy

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

NAYES: None ABSTAIN: None ABSENT: None

#### TOWNSHIP OF VERNON

#### **RESOLUTION #16-228**

#### AUTHORIZING A DATE FOR MUNICIPAL TAX SALE

WHEREAS, the governing body of the Township of Vernon, County of Sussex, State of New Jersey, desires to collect all taxes, assessments and other municipal charges that are now delinquent; and

**WHEREAS,** The Tax Collector is directed to sell all municipal delinquencies through December 31, 2015 in a manner prescribed by N.J.S.A. 54:5-19, and as amended by Chapter 99, Public Laws of 1997.

**NOW THEREFORE BE IT RESOLVED,** by the Council of the Township of Vernon, that the Tax Collector is hereby authorized and directed to sell all municipal liens in accordance with New Jersey law, both as stated above, on Wednesday, November 30 via Electronic Tax Sale.

#### TOWNSHIP OF VERNON

#### **RESOLUTION #16-229**

AUTHORIZING THE TOWNSHIP OF VERNON TO ADOPT THE SUSSEX COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN AS SUBMITTED TO THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY

**WHEREAS**, the Township of Vernon, New Jersey has experienced natural hazards that result in public safety hazards and damage to private and public property; and

**WHEREAS**, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risks; and

**WHEREAS**, the New Jersey Office of Emergency Management is providing federal mitigation funds to support development of the mitigation plan; and

**WHEREAS**, a Hazard Mitigation Plan (HMP) has been developed by the Mitigation Steering and Planning Committees; and

**WHEREAS**, the Hazard Mitigation Plan includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property; and

**WHEREAS**, the draft plan was provided to each participating jurisdiction and was posted on the Sussex County website so as to introduce the planning concept and to solicit questions and comments; and to present the HMP and request comments, as required by law, and

# **NOW THEREFORE BE IT RESOLVED** by the Township of Vernon:

- 1. The Sussex County Multi-Jurisdictional Hazard Mitigation Plan, as submitted to the New Jersey Office of Emergency Management and the Federal Emergency Management Agency on May 31, 2016 by the Sussex County Sherriff's Office, Division of Emergency Management, is hereby adopted as an official plan of the Township of Vernon; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
- 2. The Township of Vernon departments identified in the HMP are hereby directed to pursue implementation of the recommended high priority activities that are assigned to their departments.
- 3. Any action proposed by the HMP shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township of Vernon, and this resolution shall not be interpreted so as to mandate any such appropriations.
- 4. The Sussex County Deputy OEM Coordinator is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress and shall prepare an annual progress report to be submitted to the Sussex County Sheriff's Office, Division of Emergency Management. The status reports

shall be submitted on a yearly basis by a predetermined date as agreed upon by all stakeholders.

Council President Kadish asked for a motion to approve of Resolutions: #16-230, #16-231, #16-232, #16-234, #16-235 and #16-236.

MOVED: Sandra Ooms SECONDED: Jean Murphy

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

NAYES: None ABSTAIN: None ABSENT: None

Motion carried to approve Resolutions: #16-230, #16-231, #16-232, #16-233, #16-234, #16-235 and #16-236.

#### **RESOLUTION #16-230**

#### **REFUND FOR OVERPAYMENT Block 143.03, Lot 6.01**

WHEREAS, a Tax Court Judgment has been favorably awarded for the year 2016; and,

WHEREAS, such Judgment has resulted in overpayment of 2016 property taxes.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to The Irwin Law Firm Attorney Trust Account F.B.O. Romain, Joseph & Pamela, Plaintiff in the amount of \$3,140.40 representing refund for said Judgment for 2016 property taxes. Block 143.03 Lot 6.01, also known as

#### **RESOLUTION #16-231**

# RESOLUTION AUTHORIZING REFUND OF OVERPAYMENT Bl. 44.01, Lot 25

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Corelogic Real Estate Tax Services in the amount of \$1,430.03 representing refund for overpayment of 3<sup>rd</sup> qtr. 2016 property taxes for Block 44.01 Lot 25, also known as

# **RESOLUTION #16-232**

# **RESOLUTION AUTHORIZING REFUND Bl. 83.06, Lot 13**

**BE IT RESOLVED**, by the Council of the Township of Vernon, Vernon, New Jersey, that a warrant be drawn to Wells Fargo in the amount of \$1,146.18 representing refund for overpayment of 3<sup>rd</sup> qtr. 2016 property taxes for Block 83.06 Lot 3, also known as

### **RESOLUTION #16-233**

# CANCELLATION OF NJ DEPARTMENT OF AGRICULTURE GYPSY MOTH SUPPRESSION GRANT RECEIVABLE AND APPROPRIATION BALANCES

**WHEREAS**, there is a receivable with an offsetting appropriation from the State of New Jersey Department of Agriculture Gypsy Moth Suppression Grant in the amount of \$3,955.66.

**WHEREAS**, this receivable is no longer collectible as revenue.

**NOW, THEREFORE, BE IT RESOLVED** that the CFO is directed to cancel the receivable and corresponding budget appropriations.

# **RESOLUTION #16-234**

# RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON AUTHORIZING RELEASE OF PERFORMANCE BOND FOR PLANNING BOARD APPLICATION #7-03-11

**WHEREAS**, Englehart Construction posted a performance bond for a project that received final site plan approval under Planning Board Application #7-03-11;

WHEREAS, the project was never started;

**WHEREAS**, the applicant has clearly stated that he has no intention of building the project at this time;

**NOW THEREFORE IT BE RESOLVED** by the Township Council of the Township of Vernon that the performance bond posted by Englehart Construction for Final Site Plan Approval, Phase II, under Planning Board Application #7-03-11 is hereby released.

**NOW THEREFORE IT BE FURTHER RESOLVED** that a copy of this Resolution shall be filed in both the Zoning and Construction Files as memorialization that this project shall not be allowed to proceed at any time in the future without addressing the bonding requirement.

#### **RESOLUTION # 16-235**

### TRANSFER RESOLUTION- BALANCE TRANSFERS

**WHEREAS**, the Township of Vernon Municipal Budget requires certain modifications to cover potential expenses that may occur in excess of the original budget...

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Vernon that the following Transfer of Appropriations (2016 Municipal Budget) in accordance with N.J.S.A 40A-58/59 are hereby approved.

CURRENT FUND BUDGET

Bebeli		
Finance-SW	\$ 2,000.00	
Building Department-SW	\$ 3,000.00	
Police-SW	\$ 10,000.00 \$	
Radio Communications-OE	3,000.00	
Utilities- O/E	\$ 42,000.00	
Group Insurance- OE	\$ 42,000.00	
	\$ 102,000.00	

## TO:

**CURRENT FUND BUDGET** 

Clerk-	
SW	\$ 2,000.00
Tax Assessor-SW	\$ 1,000.00
Planning & Zoning-SW	\$ 100.00
General Admin-SW	\$ 3,400.00
Radio Communications-SW	\$ 13,000.00
Buildings and Grounds-SW	\$ 1,500.00

Recycling-OE	\$ 4,000.00
Recreation-OE	\$ 1,000.00
Buildings & Grounds- OE	\$ 10,000.00
Road Repairs & Maintenance-OE	\$ 31,000.00
Maintenance of Parks- OE	\$ 3,000.00
Engineering-OE	\$ 12,000.00
Legal Services-OE	\$ 10,000.00
Fleet Management-OE	\$ 10,000.00
	\$ 102,000.00

### **RESOLUTION #16-236**

# AUTHORIZING THE AWARD OF CONTRACT FOR CONTAINER SERVICE AT THE TOWNSHIP'S PUBLIC WORKS AND ANIMAL CONTROL FACILITIES

**WHEREAS**, there exists a need to haul and dispose of solid waste (type 10) containers at the Township's Public Works and Animal Control facilities and;

**WHEREAS,** Gaeta Recycling Company was contracted for these services during the contract period November 1, 2015 through October 31 2016, Res#15-178; and

**WHEREAS**, the Qualified Purchasing Agent solicited formal quotes for these services, of which Gaeta Recycling Company was the sole responder; and

**WHEREAS**, the Qualified Purchasing Agent recommends awarding a contract to the sole responder which is Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson, New Jersey 07053 who submitted the pricing of \$1295.00 per month for a total of \$15,540.00 for the contract period of November 1 through October 31, 2017; and

**WHEREAS**, the Chief Financial Officer pursuant to NJAC 5:30-5.5(b), has certified these funds are available; and

**NOW THEREFORE BE IT FURTHER RESOLVED,** by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor, Clerk and CFO are authorized to execute a contract with Gaeta Recycling Company, Inc., 278 Railway Ave., Paterson NJ 07053 not to exceed \$15,540.00

Council President Kadish asked for a motion to approve Resolutions #16-237, #16-238, #16-239, #16-240, #16-241, #16-245.

MOVED: Jean Murphy SECONDED: Sandra Ooms A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

NAYES: None ABSTAIN: None ABSENT: None

Motion carried to approve Resolutions: #16-237, #16-238, #16-239, #16-240, #16-241, #16-245.

### **RESOLUTION # 16-237**

### 2016 SALARIES FOR NON-UNION FULL TIME EMPLOYEES

**WHEREAS,** Ordinance #16-22, Ordinance #16-03, Ordinance #15-20 and Ordinance #14-04 amended salary ranges for non-union full time and part time employees.

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey that the following persons be compensated at the

annual salary or wage, the same being consistent with Ordinance #16-22 or Ordinance #16-03 or Ordinance #15-20 or Ordinance #14-04 retroactive to January 1, 2016.

Position	Name	20	16 Base Salary
Ordinance 14-04			
Municipal Clerk	Lauren Kirkman	\$	78,030.00
Ordinance 15-20			
Chief Financial Officer	Elke Yetter	\$	93,636.00
Tax Assessor	Lynne Schweighardt	\$	93,387.00
Land Use Administrator	Kimberley Decker	\$	63,672.00
Zoning Code Enforcement	Allison LaRocca	\$	54,621.00
DPW-Director (Jan 1, 2016 to Oct 31, 2016)	David Pullis	\$	103,448.00
Administrative Clerk- DPW	Jennifer Ruess	\$	53,060.00
Animal Control Officer-Div. Head	Thomas Maellaro	\$	61,094.00
Animal Control Officer	James Epperly	\$	37,142.00
Animal Control Officer	Jason Vidal	\$	37,142.00
Recreation Aide	Mishelle Downtain	\$	31,212.00
Construction Code Official/Plumbing SubCode	David Condon	\$	76,500.00
Building Sub Code Official	Gary Kristoffersen	\$	64,557.00
Electrical Sub Code Official	Eric Samek	\$	64,557.00
Ordinance 16-03			
Purchasing Agent	Jennifer Ruess	\$	5,100.00
Administrative (Confidential) Assistant	Irene Mills	\$	53,060.00
DPW- Assistant Supervisor (to 10/31/2016)	Clarence Babcock	\$	76,315.00
DPW- Assistant Supervisor(effective 5/2/2016)	Howard Lazier	\$	66,988.00
DPW- Assistant Supervisor(effective 9/13/2016)	Anthony Alexander	\$	66,988.00
Municipal Court Administrator	Donna Zuidema	\$	79,948.00
Fire Official	Louis Tosto	\$	62,322.00
0.1: 16.22			
Ordinance 16-22	Cusan Dull's	ф	<i>55</i> 007 00
Principal Payroll Clerk	Susan Pullis	\$	55,987.00

## **RESOLUTION # 16-238**

# 2016 SALARY FOR NON-UNION FULL TIME EMPLOYEE

**WHEREAS,** Ordinance #16-03 amended salary ranges for non-union full time and part time employees, and;

**WHEREAS,** a Police Records Clerk is also known as a Police Records Support Technician per the U.A.W. Local #2326 Contract, and:

**WHEREAS,** Michael McCleary currently holds the title outside of the Union as he is currently enrolled in P.B.A. Local #600 Union and therefore cannot join the U.A.W. Local #2326, but performs the duties consistent with the U.A.W. Title.

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey that Mr. McCleary be compensated at the annual salary or wage, at his equivalent U.A.W. Title, Police Records Support Technician, consistent with the dates and increases afforded a U.A.W. employee.

# **RESOLUTION # 16-239**

# 2016 SALARY FOR NON-UNION PART TIME EMPLOYEES

**WHEREAS**, Ordinance #16-03 amended salary ranges for non-union full time and part time employees.

**NOW, THEREFORE, BE IT RESOLVED,** by the Township Council of the Township of Vernon, County of Sussex, State of New Jersey that the following persons be compensated at the hourly salary or wage, the same being consistent with Ordinance #16-03 retroactive to November 1, 2016.

		2016 Base
Position	Name	Salary
Ordinance 16-03		
Accounting Assistant	Elizabeth Hanisch	\$26.00 per hour
Nutrition Site Manager	Jane Damstra	\$17.00 per hour
Food Service Worker	Carol Gormley	\$11.00 per hour
Animal Control Officer-Part-time	Bonita Johnson	\$17.62 per hour
		\$164.08 per
Animal Control Officer- On-call	Bonita Johnson	week

#### **RESOLUTION #16-240**

# APPROVING ACTIVE VOLUNTEER FIREMAN FOR MEMBERSHIP IN THE NEW JERSEY STATE FIREMEN'S ASSOCIATION

**WHEREAS**, the Township Council recognizes the extraordinary contributions made by volunteer firefighters to our community and seeks to encourage their full participation in professional organizations; and

**WHEREAS,** Bryan G. Kovalcik, an active firefighter and member of the Vernon Township Volunteer Fire Department, is requesting approval to submit an application for membership to the New Jersey State Firemen's Association.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Vernon, Sussex County, New Jersey hereby approves Bryan G. Kovalcik for membership in the New Jersey State Firemen's Association.

## **Resolution #16-241**

# RESOLUTION – AUTHORIZING THE EARLY PAYOFF TO NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR PVL DAM REHABILITATION LOAN FROM THE PVL ASSESSMENT TRUST FUND

**WHEREAS**, the Pleasant Valley Lake Dam NJ DEP Loan currently has a balance owed of \$276,326.09 plus interest; and

**WHEREAS**, the cash account in the PVL Assessment Trust Cash account has sufficient funds to cover this payment; and

WHEREAS, paying this loan off early will result in a lower interest payment overall; and

**WHEREAS**, it is necessary to formally approve the early payment of the remaining balance on the loan,

**NOW THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon, that \$276,326.09 plus interest for the NJ DEP Loan for the PVL Dam Rehabilitation Project be paid on or before December 15, 2016.

# **RESOLUTION # 16-245**

# APPOINTMENT OF VERNON TOWNSHIP DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS / PRINCIPAL PUBLIC WORKS MANAGER

WHEREAS, the Township's Director of DPW, David Pullis, retired effective October 31, 2016; and

**WHEREAS,** per the Vernon Township Administrative Code, the Director of the Department of Public Works shall serve at the pleasure of the Mayor; and

**WHEREAS**, Edward Babcock does not yet have, but will be obtaining, his certification as a Certified Public Works Manager (CPWM) pursuant to Section 3 of <u>P.L. 1991</u>, c.258 (C.40A:9-154.6c) as required to perform said positions; and

**WHEREAS**, pursuant to <u>N.J.S.A.</u> 40A:9-154.6g, the Mayor may appoint on an interim basis for a period not to exceed one year and commencing on the date of the vacancy, a person who does not hold a certified public works manager certificate to perform on an interim basis, the duties of a principal public works manager; and

**WHEREAS**, any person so selected may be selected as principal public works manager for one additional year.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Township of Vernon, County of Sussex, State of New Jersey that Edward Babcock is hereby appointed Director of the Department of Public Works for the Township of Vernon effective November 1, 2016, with a salary to be pro-rate for 2016 of \$87,500.00, pending he obtains his certified public works management certification on or before November 1, 2018; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption according to law.

Council President Kadish gave a brief explanation of Resolution: #16-242.

Mr. Ursin stated he must be recused from any discussion regarding this resolution and Council must use conflict Attorney Mr. Wenner is they have any questions.

Council President Kadish asked for a motion to approve Resolution#16-242.

MOVED: Jean Murphy SECONDED: Sandra Ooms

Council Member Rizzuto expresses he is not in support of this resolution as it allows personally owned property to be given up for public use and also lowers property value and is similar to eminent domain.

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Dick Wetzel, Dan Kadish

NAYES: Patrick Rizzuto

ABSTAIN: None ABSENT: None

Motion carried to approve Resolutions: #16-242.

#### **Resolution 16-242**

RESOLUTION OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, IN SUPPORT OF THE TOWNSHIP OF ANDOVER URGING THE OWNERS OF THE HUDSON FARM PROPERTIES A/K/A IAT REINSURANCE TO SUPPORT THE LACKAWANNA CUT-OFF RESTORATION PROJECT

**WHEREAS**, New Jersey Transit, in an effort to restore passenger service to the Lackawanna Cut-Off Rail line in Sussex County has been working on a project to extend the commuter rail service from Port Morris Junction to Andover Township; and

**WHEREAS**, the extension of the line is a \$61 million project funded by the Federal Government and the NJ Transportation Fund; and

**WHEREAS**, it is anticipated that 8 eastbound and westbound trains to the Hoboken Terminal will run from the new Andover Township Train Station on Roseville Road in Andover Township; and

**WHEREAS**, the last phase of the project has encountered a delay as it is necessary that a culvert be replaced 500 feet upstream from the station and the culvert is located on property owned by Hudson Farm or IAT Reinsurance whereby it has been requested that NJ Transit be permitted to temporarily access the property and upgrade the culvert at no cost or inconvenience to the land owners; and

**WHEREAS**, notwithstanding that for the past two years NJ Transit has repeatedly made such request to the landowner and conducted meetings and presented specific plans for the reconstruction of the culvert, the property owners have refused to provide consent to access the property; and

**WHEREAS**, as a result of this refusal by Hudson Farms to permit such access, it has stifled the completion of the entire \$61 million project passenger service which, once completed, will bring social, economic, and financial benefits to the residents of Sussex County; and

WHEREAS, the Council of the Township of Vernon is in support of Andover Township's efforts.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Township of Vernon, County of Sussex, and State of New Jersey, that they hereby support the Township of Andover in its declaration as follows: the Township of Vernon urges the owners of Hudson Farm a/k/a IAT Reinsurance to comply with the request of the Township of Andover and NJ Transit to permit access to the culvert and construct the last phase of this significant project for the benefit of the residents of Sussex County; and

**BE IT FURTHER RESOLVED**, that the Township of Vernon urges other communities to adopt this Resolution to urge owners of significant land holdings in Sussex County to also be stewards of the community and support the Lackawanna Restoration project by simply providing temporary access to less than one per cent of Hudson Farm property to temporarily reconstruct and upgrade a culvert which exists on the premises at no cost to the property owners and for the benefit of the residents of Sussex County.

**BE IT FURTHER RESOLVED**, that the Clerk is hereby requested to forward a copy of this resolution to the Clerk of the Township of Andover.

Council President Kadish asked for a motion to approve Resolutions #16-243, #16-244, and #16-246.

MOVED: Jean Murphy SECONDED: Sandra Ooms

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

NAYES: None ABSTAIN: None ABSENT: None

Motion carried to approve Resolutions: #16-243, #16-244, and #16-246.

# **RESOLUTION #16-243**

# RESOLUTION TO RENEW A CONTRACT TO THOMSON REUTERS-WEST

**WHEREAS**, there exists a need for the Township to maintain the most current version of the New Jersey Statutes Annotated and New Jersey Administrative Code; and

**WHEREAS**, the Township currently has a contract with Thomson Reuters authorized by resolution 14-151 until 2017; and

WHEREAS, after review of pricing and services it is cost effective for the Township to continue the on-line version of the Statutes Annotated and Administrative Code rather than maintain paper books; and

WHEREAS, the Chief Financial Officer pursuant to NJAC 5:30-5.5(b), shall certify amounts chargeable to this contract at the time when such services are ordered or otherwise called for; and

**WHEREAS,** Thomson Reuters will freeze our current year pricing for 2017 with the term of the contract will be from November 4, 2016 through November 3, 2019 with a total contract price not to exceed \$302.56 per month during the first twelve months; \$311.64 per month during the second twelve months; \$321.00 per month during the final twelve months.

**NOW THEREFORE BE IT FURTHER RESOLVED,** by the Township Council of the Township of Vernon, County of Sussex and State of New Jersey, the Mayor, Clerk and CFO are authorized to execute a contract with Thomson Reuters, A West Corporation, for maintenance of the New Jersey Administrative Code and New Jersey Statues Annotated

#### **RESOLUTION #16-244**

# AUTHORIZING THE AWARD OF CONTRACT FOR PROPOSED IMPROVEMENTS TO SAMMIS ROAD - GUIDERAILS

**WHEREAS**, there is a need for Guiderail Improvements for Sammis Road within Vernon Township;

**WHEREAS**, the Township has issued specifications and contract documents soliciting formal bids for the necessary work;

**WHEREAS**, the Township of Vernon opened five (5) bid(s) for the proposed Guiderail Improvements on November 10, 2016 at 10:00 a.m.; and

**WHEREAS**, five (5) bid(s) were received and reviewed by the Township Engineer Cory Stoner for the specified bid requirements; and

**WHEREAS**, after review, the lowest bidder did fully meet the bid requirements and the Township Engineer recommends the contract to be awarded to Ficor, P.O. Box 65, Ogdensburg, New Jersey in an amount not to exceed \$27,508.40; and

**WHEREAS**, the Chief Finance Officer has certified funds available for this purpose in Account #3095964 Ord. #16-15.

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Township of Vernon, County of Sussex, State of New Jersey, to award the bid to Ficor, P.O. Box 65, Ogdensburg, New Jersey for the completion of Guiderail Improvements to Sammis Road within Vernon Township.

This Resolution shall take effect immediately according to law.

# **RESOLUTION #16-246**

# RESOLUTION ACCEPTING THE COMPLETION OF THE LAKE WALLKILL ROAD IMPROVEMENTS SECTION III

WHEREAS, the Township awarded contracts for the Lake Wallkill Road Improvements, Section III via resolution to the following: Tilcon New York, Inc. awarded by Resolution #16-188; Reclamation, LLC awarded by Resolution #16-189; Denville Line Painting, Inc. awarded by Resolution #16-187, and M.L. Ruberton, Inc. awarded by Resolution #16-186, all awarded on August 22, 2016; and

**WHEREAS**, the Lake Wallkill Road Improvement Project Section III has been completed, and inspected as per the plans and specifications; and

**WHEREAS**, the Township Engineer has issued the attached letter dated November 9, 2016 which states that the said contracts have been completed in full and that it is recommended that the Lake Wallkill Road project be accepted by the Township Council.

**NOW, THEREFORE BE IT RESOLVED,** that the Vernon Township Council accept this project identified as Lake Wallkill Road Section III as final and complete; and

**BE IT FURTHUR RESOLVED,** that this Resolution shall take effect immediately upon adoption according to law.

Council President Kadish gave a brief explanation of Resolutions: #16-247 and #16-248 with the drawing to be held on November 28, 2016.

Council Member Rizzuto stated there is nothing in the resolution that the term will be drawn by random selection and is this legal to be shortening term lengths of existing appointees without regard to the type of seat. Council President Kadish explained that state law states the terms must be staggered and when the appointments were done in 2011, they were done incorrectly and these resolutions correct the errors. Mr. Ursin added it is the Council that sets the terms and it can be corrected now because you did not want to rely on future councils to remember to fix it years in the future. Council Member Murphy says why wouldn't the Council want to fix the problem and correct the error.

Council Member Rizzuto questions what happens to the specific seats on the Land Use Board that must be an Environmental Commission Member. Mr. Ursin answered the drawing would only take the block that needs to be staggered and this resolution approves to start the process and can be worked out before drawing.

Council President Kadish asked for a motion to approve Resolution #16-247

MOVED: Jean Murphy SECONDED: Sandra Ooms

A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Dick Wetzel, Dan Kadish

NAYES: Patrick Rizzuto

ABSTAIN: None ABSENT: None

Motion carried to approve Resolution: #16-247.

# Resolution No. 16-247

# RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON CONCERNING THE TERMS OF THE MEMBERS OF THE HISTORIC PRESERVATION COMMISSION

**WHEREAS**, members of the Historic Preservation Commission are appointed by the Mayor to four year terms pursuant to Ordinance #11-21, Township Code Section 5-94D;

**WHEREAS**, Ordinance #11-21, Township Code Section 5-94D requires that the terms of the Historic Preservation Commission be staggered;

**WHEREAS**, at the time the form of government changed in July of 2011, the appointments were not staggered;

**WHEREAS**, the Mayor has suggested that this term issue needs to be corrected to comply with the directive and policy of the Ordinance;

**WHEREAS**, the Township Council agrees with the Mayor and recommends that proper end dates be assigned to the members of the Commission by random selection;

**WHEREAS**, the Township Council suggests that the random assignment be done at a council meeting to increase the transparency of the reassignment of term expiration dates;

**NOW THEREFORE IT BE RESOLVED** that the Township Council of the Township of Vernon hereby endorses the resetting of the term end dates for members of the Historic Preservation Commission to comply with the Ordinance and meet the policy of staggered terms.

**NOW THEREFORE IT BE FURTHER RESOLVED** that the Township Council endorses conducting the assignment of the end dates by random selection to be done at a council meeting on November 28, 2016.

Council President Kadish asked for a motion to approve Resolution #16-248

MOVED: Jean Murphy SECONDED: Sandra Ooms A roll call was taken:

AYES: Jean Murphy, Sandra Ooms, Dick Wetzel, Dan Kadish

NAYES: Patrick Rizzuto

ABSTAIN: None ABSENT: None

Motion carried to approve Resolutions: #16-248.

#### Resolution No. 16-248

# RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERNON CONCERNING THE TERMS OF THE MEMBERS OF THE MUNICIPAL LAND USE BOARD

**WHEREAS**, members of the Municipal Land Use Board are appointed by the Mayor to four year terms pursuant to Section 330-7 of the Township Code;

**WHEREAS**, Section 330-7 of the Township Code requires that the terms of the Land Use Board be staggered;

**WHEREAS**, at the time the form of government changed in July of 2011, the appointments were not staggered;

**WHEREAS**, the Mayor has suggested that this term issue needs to be corrected to comply with the directive and policy of the Township Code;

**WHEREAS**, the Township Council agrees with the Mayor and recommends that proper end dates be assigned to the members of the Land Use Board by random selection;

**WHEREAS**, the Township Council suggests that the random assignment be done at a council meeting to increase the transparency of the reassignment of term expiration dates;

**NOW THEREFORE IT BE RESOLVED** that the Township Council of the Township of Vernon hereby endorses the resetting of the term end dates for members of the Municipal Land Use Board to comply with the Township Code and meet the policy of staggered terms.

**NOW THEREFORE IT BE FURTHER RESOLVED** that the Township Council endorses conducting the assignment of the end dates by random selection to be done at a council meeting on November 28, 2016.

### INTRODUCTION/1ST READING OF PROPOSED ORDINANCES

Ordinance #16-25: An Ordinance Deleting Sections 212-1 To 212-7 Of the Code Of The Township Of Vernon Regarding Halloween Curfew For Minors

Council President Kadish asked for a motion to Introduce Ordinance #16-25 with a public hearing to be held on November 28, 2016.

Moved: Sandra Ooms Seconded: Jean Murphy

# A roll call vote was taken:

Ayes: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

Nays: None

Abstain: None Absent: None

Motion Carried to approve 1<sup>st</sup> Reading of Ordinance #16-25 with a public hearing to be held on November 28, 2016.

<u>Ordinance #16-26</u>: An Ordinance Amending Sections 5-84 To 5-89 Of The Code Of The Township Of Vernon Regarding The Environmental Commission

Council President Kadish asked for a motion to Introduce Ordinance #16-26 with a public hearing to be held on November 28, 2016.

Moved: Sandra Ooms Seconded: Jean Murphy

#### A roll call vote was taken:

Ayes: Jean Murphy, Sandra Ooms, Dick Wetzel, Dan Kadish

Nays: Patrick Rizzuto

Abstain: None Absent: None

Motion Carried to approve 1<sup>st</sup> Reading of Ordinance #16-26 with a public hearing to be held on November 28, 2016.

<u>Ordinance #16-27:</u> An Ordinance Amending Chapter 330-184.B Adding An Additional Permitted Use For The Town Center, McAfee Area And C-2 Zone

Mr. Ursin stated this ordinance came from the Administration office because of inquiries for this amendment and after discussion with the Planner the ordinance should also include wineries and zones should only be Town Center and the C-2 zone. Council President Kadish asked if agricultural zones can be included to which Mr. Ursin said that should be a different ordinance.

Council President Kadish asked for a motion as amended to Introduce Ordinance #16-27 with a public hearing to be held on December 12, 2016.

Moved: Jean Murphy Seconded: Sandra Ooms

### A roll call vote was taken:

Ayes: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

Nays: None Abstain: None Absent: None

Motion Carried to approve 1<sup>st</sup> Reading of Ordinance #16-27 as amended with a public hearing to be held on December 12, 2016.

Ordinance #16-28: Ordinance Amending The Salary Ordinance For "Non-Union" Employees

Council President Kadish asked for a motion to Introduce Ordinance #16-28 with a public hearing to be held on November 28, 2016.

Moved: Jean Murphy Seconded: Dick Wetzel

# A roll call vote was taken:

Ayes: Jean Murphy, Sandra Ooms, Dick Wetzel, Dan Kadish

Nays: Patrick Rizzuto

Abstain: None Absent: None

Motion Carried to approve 1<sup>st</sup> Reading of Ordinance #16-28 with a public hearing to be held on November 28, 2016.

#### SECOND READING/PUBLIC HEARING OF INTRODUCED ORDINANCES

Ordinance #16-23: An Ordinance Of The Township Of Vernon, County Of Sussex,

State Of New Jersey Authorizing The Sale Of Property Owned By The Township And Not Required For Public Purposes And More Commonly Known As 116 Alturas Road Block 206.24, Lot 3

Council President Kadish asked for a motion to open the public hearing for Ordinance#16-23.

Motion: Jean Murphy Second: Sandra Ooms

All in Favor

There was no comment.

Seeing no one from the public, Council President Kadish asked for a motion to close the public hearing for Ordinance #16-23

Motion: Jean Murphy Second: Dick Wetzel All members voted in favor.

Council President Kadish asked for a motion to adopt Ordinance#16-23.

Motion: Jean Murphy Second: Sandra Ooms **A roll call vote was taken:** 

Ayes: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

Nays: None Abstain: None Absent: None

Motion carried to adopt Ordinance#16-23 and Auction to be held on November 28, 2016.

Ordinance #16-24: An Ordinance Of The Township Of Vernon, County Of Sussex, And State Of New Jersey Amending The Township Code To Add Chapter 325 Entitled "Illegal Dwellings".

Council President Kadish asked for a motion to open the public hearing for Ordinance#16-24.

Motion: Jean Murphy Second: Dick Wetzel

All in Favor.

Brian Olson, Esq., representing Shinnihon USA Limited who owns 18 units in the Legends Country Club, states his clients object to Ordinance#16-24. Mr. Olson explains the units are occupied by local employees who have lived there for many years with their families and this Ordinance is aimed at low income individuals and is oppressive. Mr. Olson urges the Board to take a step back and look for more options because if this proceeds, his clients may consider legal options.

Jessica Paladini, asked Council if this Ordinance is approved, where will these residents go and is it the town's responsibility for their wellbeing. Mr. Ursin explains the Ordinance applies to the entire town to all areas where it is unlawful to rent, not just Legends and the Township has to protect the most vulnerable low income residents by making sure the dwellings are habitable and compliant with current building and fire codes. Mr. Ursin added the regulations were set in 1999 by the Department of Community Affairs and as a town have the obligation to inspect them and hand out violations if warranted. Ms. Paladini hopes the town will compromise or work with owners to resolve the issues so that legal fees to fight this will not be borne by all taxpayers.

Rick Saker, unit owner at Legends, states he bought his unit prior to the 1999 resolution and was told he could be added to the rental pool or live there himself. Mr. Ursin added in 1999 the Land Use Board determined what was allowed to the applicant of the entire building, and all building

owners were required to be notified by the applicant, which was the building itself. Mr. Ursin added that the Township's role is to enforce the building and fire code and does not evict tenants, that is handled by the Sherriff's office and the Superior Court. Mr. Ursin explained the 1999 resolution states that occupancy in the units are limited to 30 days at a time and tenants who live their longer are in violation. Mr. Saker feels the ordinance has scared the tenants with fear of eviction and opines that a tenant or owner could live there for 30 days in one unit then go to other unit for next 30 days. Mr. Ursin explains the Township is required to enforce changes set by Resolution and any owner has the right to make application to the Land Use Board.

Bob Hughes, Highland Lakes, questions since the resolution has been in effect in 1999, is this the first time the Township has made any attempts to enforce it? Mr. Ursin answers since 2010, this is the first but not is aware of any before he was Township Attorney. Mr. Hughes notes there is maintenance being done on the Legends golf course and wonders if recent activity is why Township is now enforcing action. Mr. Ursin notes that the golf course is owned by separate owner which happened after the Council began to enforce the code violations at Legends.

Council Member Murphy added the Township did inspections and found the violations in February of 2016 and the golf course sold in August of 2016. Council President Kadish asked if any taxes were due. Mayor Shortway said earlier this year there were 88 tax liens totaling \$1.2 million dollars. Council President Kadish added the Sussex County Health Department also issued health violations.

Seeing no more members of public wishing to speak, Council President Kadish asked for a motion to close the public hearing.

Motion: Jean Murphy Second: Sandra Ooms All members voted in favor.

Council President Kadish asked for a motion to approve Ordinance #16-24.

Motion: Jean Murphy Second: Dick Wetzel A roll call vote was taken:

Ayes: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

Nays: None Abstain: None Absent: None

Motion carried to adopt Ordinance#16-24.

Mr. Ursin restated the Auction date for Ordinance #16-23 was November 28, 2016.

#### MAYORAL APPOINTMENTS

Resolution #16-249: Appointment Of A Member To The Greenway Action Advisory Committee

Council President Kadish asked for a motion to approve Resolution #16-249

Motion: Jean Murphy Second: Dick Wetzel A roll call vote was taken:

Ayes: Jean Murphy, Sandra Ooms, Patrick Rizzuto, Dick Wetzel, Dan Kadish

Nays: None Abstain: None Absent: None

Motion carried to adopt Resolution #16-249.

# **RESOLUTION #16-249**

# APPOINTMENT OF A MEMBER TO THE GREENWAY ACTION ADVISORY COMMITTEE

BE IT RESOLVED BY THE COUNCIL OF THE TOWNSHIP OF VERNON, COUNTY OF SUSSEX, and STATE OF NEW JERSEY, as follows:

1. That the following individual is hereby appointed as a member of the Vernon Township Greenway Action Advisory Committee effective November 14, 2016 for an unexpired term to expire on December 31, 2016 as follows:

John Auberger Seat 4

**BE IT FURTHER RESOLVED THAT,** the Township Clerk shall send a copy of this resolution to the following:

a. Chairperson of the Greenway Action Advisory Committee

#### **COUNCIL COMMENTS**

Council Member Murphy reminded public about National Wreaths Across America for Veterans being held on December 17, 2016 at 10:00 am at the Glenwood Cemetery and a wreath may be sponsored for \$15.00. Information is on website <a href="www.wreathacrossamerica.com">www.wreathacrossamerica.com</a> or you may go to Walnut Ridge School to pay for a sponsorship.

Council Member Ooms noted there will be list of Township bond information on website explaining what bonds are used for, amount of bond and balance remaining and thanks Ms. Yetter for her assistance in this matter.

Council Member Wetzel commented that the principal owner of Legends has had many offers over the years but always looked for an extra dollar and emphasis is on himself and not the Township. Last year there was a resolution before Council to allow a cell tower on the roof which the Township requested rent which they denied, but taxes were not current so it did not get approved.

Council Member Rizzuto, commented that misrepresentations may have happened between sellers and buyers for units at Legends but the Township is required to enforce laws, even ones done by officials at that time. The Township is encouraging the entity to move forward with best interest of all. The Township has received multiple letters in previous years stating force majeure meaning nothing is going to happen. Happy Thanksgiving to all.

#### **ADJOURNMENT**

There being no further items of business to be conducted on the agenda, a motion of Adjournment was made by Council Member Murphy, seconded by Council Member Rizzuto with all members voting in favor.

The regular meeting of the Township Council of the Township of Vernon was adjourned at 8:55 p.m.

Respectfully submitted,
Lauren Kirkman, RMC, CMR Municipal Clerk
Dan Kadish, Council President

Minutes approved: December 12, 2016